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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/485,225	02/23/2000	XAVIER JOUBERT	061/088	1666

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POLLOCK VANDE SANDE & PRIDDY
PO BOX 19088
WASHINGTON, DC 20036

EXAMINER
RODRIGUEZ, RUTH C

ART UNIT	PAPER NUMBER
3677	

DATE MAILED: 02/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/485,225	JOUBERT ET AL.	
	Examiner	Art Unit	
	Ruth C. Rodriguez	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 November 2002* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *3,7-10 and 12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *3,7-10 and 12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 February 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☒ The proposed drawing correction filed on *21 March 2001* is: a)☒ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Drawings

1. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 21 March 2002 have been approved. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 3, 7, 8, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Einhorn (US 4,010,794) in view of Tracy (US 4,559,677), Lacore et al. (US 5,546,639) and Wackerly (US 5,839,768).

Einhorn teaches a hook for a cable (33) comprising an end (30) having a passage (31). A solid cable (33) is slidably resting in the passage and having a folded end (35). The passage has a circular inlet duct (32) through which a straightened cable section passes and an outlet duct (34) larger than the inlet duct and receiving the folded end (Fig. 1). A junction is formed between the inlet and outlet ducts defining a shoulder that serves as a stop abutment for the folded end of the cable when the cable is placed in tension (Figs. 1 and 5). Einhorn fails to disclose that the a crimped clip secures the folded end, the inlet duct flares outwardly forming an outer circular end, and that a rigid flat wire is used to make the hook. However, Lacore teaches a hook having a passage (4) having an aperture (5) in one side where the diameter of the aperture is less than the

diameter of the aperture. The passage slidably receives a folded end of the cord (10) secured by a crimp clip (11) (C. 2, L. 43-45). The folded end secured with a crimp clip has a larger diameter than the aperture and prevents the removal of the cord from the aperture. It would have been obvious to one having ordinary skill in the art at the time the applicant's invention to provide a crimped clip to secure the folded end according to the teachings of Lacore in the hook disclosed by Einhorn. Doing so, will secure the cord by preventing the removal of the folded end. Regarding to the use of a rigid flat wire, Tracy demonstrates a hook (10) for a cable (12) comprising a finger grip end block (24) having a passage formed therethrough (Fig. 2). A cable slidably received in the passage (Figs. 1 and 2). The passage having an inlet end through which a straightened cable section passes and the passage further having an outlet end larger than the inlet end (Fig. 2). A rigid flat metal has an inverted J-shaped first end section facing the outlet end and the inverted J-shaped first end section serving as a hook member (Figs. 1, 2 and 4). The rigid flat metal has an opposite end section bent into a ring (22) embedded in the finger grip end block (C. 3, L. 14-20) and located in a plane generally perpendicular to the J-shaped first end section (Fig. 4) where the ring serves to reinforce the finger grip end block. The rigid flat metal has an outer coating of thermoplastic material that also forms the finger grip end block and protects the hook deterioration by preventing exposure of the metal to the elements (C. 2, L. 18-20) and allows the hook to float (C. 1, L. 55-58). Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to have the rigid flat metal having an outer coating of thermoplastic material that also forms the finger end block as demonstrated by Tracy

instead of the using the die cast metal disclosed by Einhorn where the ring demonstrated by Tracy is capable of reinforcing the stop abutment disclosed by Einhorn. Doing so, will avert the deterioration of the metal used to form the hook by preventing the exposure of the metal to the elements and allowing the hook to float. Finally, Wackerly shows a cable-retaining device (10) having a plurality of passages (11,12,13,24) with an inlet duct and an outlet duct (Figs. 1-4). The plurality of passages has an outer circular end of the inlet duct being outwardly flared. Although Wackerly fails to provide an advantage derived from the outwardly one of ordinary skill in the art will acknowledge that the flared edges are commonly used to avoid a sharp edge from contacting the cable. Hence, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to have a flared edge for the inlet duct as shown in Wackerly for the hook disclosed by Einhorn and modified according to Lacore and Tracy because it is well known in the art to provide flared edges around the inlet or outlet ducts of a passage engaging a cable in order to avoid damaging the cable.

Tracy demonstrates that the ring has an axis passing through a top of a curve of the J-shaped first end section (Figure 4).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the ring surrounding the inlet duct in the vicinity of its junction with the outlet duct because the purpose of the ring is to reinforce the connection of the cord to the end block and by providing a stop abutment to majority of the stress will be concentrated at the junction therefore one of ordinary skill in the art will recognize that the ring should be provided at the inlet duct in the vicinity of the junction.

The finger grip end block demonstrated by Tracy has lateral recesses and projections to form a finger grip (Figures 1 and 2).

Finally, Tracy discloses that a free end (45) of the J-shaped first end section is coated with extra injection material (C. 4, L. 3-4).

It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to have an inlet edge of the inlet duct rounded so as to avoid leaving any sharp edge as shown by Wackerly because it is well known in the art that damage to the cable can be avoided by providing rounded edges around the inlet duct of the hook.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Einhorn in view of Tracy and Lacore as applied to claim 12 above, and further in view of De Anfrasio (US 5,638,584).

Tracy, Einhorn and Lacore et al. were combined to reject claim 12 having all the limitations mentioned above. The combination of Einhorn, Tracy and Lacore fails to suggest the use of a safety tongue fixed to the finger grip end block. De Anfrasio demonstrates a hook (2) comprising a flat metal wire reinforcement having a plastic covering (3) around the J-shaped first end of the hook (3b) and the plastic covering forming a finger grip end block (3a) (Figures 3 and 6). The finger grip end block connects a tilting safety tongue (3c) fixed to the finger grip end block for bearing against a free inside end of the hook (Figure 9). De Anfrasio shows that the use of tilting safety tongues fixed to the finger grip end block is well known to one with ordinary skill within the hook art. It would have been obvious to one having ordinary skill in the art at the

time the invention was made to modify the finger grip end block by providing a tilting safety tongue fixed to the finger grip end block as shown by De Anfrasio in the hook disclosed by Einhorn and modified according to Lacore and Einhorn. Doing so, will provide an improved engagement between the hook and a supporting element because the safety tongue does not allow the disengagement of the hook from the supporting element.

Response to Arguments

5. Applicant's arguments filed 15 November 2002 have been fully considered but they are not persuasive.

6. The Applicant argues that Tracy and Einhorn can not be combined since "Tracy is not concerned with the retention of a solid cable in the hook when subject to axial tension as is the case of Einhorn.", because Tracy fails to have a shoulder stop to abut a folded end of the cable and because the die cast metal hook disclosed by Einhorn does not require the reinforcement of the rigid metal wire of the hook of Tracy. The Examiner fails to agree with these arguments. To decide whether two references can be combined to make a rejection, first it should be determined whether the references can be considered analogous art. In this case, both references are hooks used to retain a cord or tube within a retaining portion. Therefore, the references in question are considered analogous art. Since both references are hooks, one of ordinary skill in the art at the time of applicant's invention will be motivated to combine the references regardless of the method used to retaining the cord or tube or whether one hook does not have all the elements of the other. Regarding to the arguments directed to having a

die cast metal hook disclosed by Einhorn that does not require the reinforcement of the rigid metal wire of the hook of Tracy, the Examiner acknowledges that the prior Office Action failed to clearly establish that intention of modifying Einhorn with Tracy was to replace the material being used by Einhorn for the hook with the materials used by Tracy for this hook. To clearly establish the replacement of the materials, the rejection for the base claim of the prior Office Action has been modified to clarify that the reference of Tracy is used for the purpose of providing a hook made of a rigid metal wire hook that will render a sturdy hook having a thermoplastic coat protecting the hook from the elements specially since the die cast metal can be more prone to damage from the elements. This combination of a metal wire and a thermoplastic coat will also allow the hook to float when used in a water environment. Therefore, claims 3, 7, 8, 10 and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Einhorn in view of Tracy, Lacore et al. and Wackerly.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

British Patent Document GB 2 058 901 A (Eisler) is cited to show state of the art with respect to hooks made of injection synthetic material having a metal insert to reinforce the hook. Maillocheau (USPN 3,749,703), Esposito et al. (USPN 5,317,788) and Brody et al. (USPN 5,682,652) are cited to show state of the art with respect to hooks made of injected material.

Anderson (US 5,159,861), Brennan (US 5,423,108), Mackal (US 5,432,983), Ida (US 5,435,044), Murai (US 5,454,140), Boden (US 5,572,770), Brody et al. (US 5,630,257), Bodkin, Sr. (US 5,642,558) and Akins et al. (US 5,735,329) are cited to show state of the art with respect to different device used to retain cords through a passage and the inlet or outlet ducts of the passage have outwardly flared edges.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C. Rodriguez whose telephone number is (703) 308-1881. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115.

Submissions of your responses by facsimile transmission are encouraged. Technology center 3600's facsimile number for before final communications is (703) 872-9326. Technology center 3600's facsimile number for after final communications is (703) 872-9327.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

RCR
rcr
February 10, 2003

J. J. SWANN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600